

Final Summary
Agriculture, Fish and Water (AFW) Process
FOTG Executive Committee Meeting #8
September 27, 2000

1. Welcome/Introduction

Tim welcomed everyone to the meeting and presented an overview of today's meeting. The Executive Committee approved August's revised draft meeting summary.

The Ag caucus requested time for a caucus meeting, the group agreed and we adjourned for 45 minutes.

The offer was made to do a "walk-around" to visit examples of ditches in the area; six people expressed an interest. An alternative was proposed to set up a tour on an alternate date for those who couldn't attend today.

2. Ditches & Drainage BMPs: Report from Integrated Technical Team

Mike Rundlett provided a status report of the technical team process (meetings held, technical review of the document, etc.). He briefly shared the technical and policy issues that came out of the integrated technical team meetings.

Technical issues (key components of the document) included:

- Objectives-Intro
- Watercourse classifications
- Activities-BMPs
- Timing window
- Glossary & definitions
- Notifications/approvals

Policy issues:

- Assumptions (geographic scope, protect fish where present, must meet WQ standards)
- Focus on "maintenance" document (preventative/frequency, restoration-enhancement)
- Notification/approval protocols
- Effectiveness monitoring and adaptive management
- Public involvement & outreach

Paul LaCroix expressed his appreciation on everyone's part for accommodating his need to meet in Mt. Vernon. He shared his perspective on how the meetings went, including missed opportunities in using the consultants that participated. Asked the rest of the EC where we are headed.

General Comments:

- Mike Poulson agreed with Paul's comments and shared that the December deadline was never considered a reasonable deadline. Asked for a response from the Services.
- Tim asked how at risk will the Ag community be if the December deadline is not met? The second item he would like to see covered is the substance issue, i.e. how much substance do we need in order to meet a test that a judge might make as to whether we are really making progress.
- Mike P. feels that the agencies have a lot of latitude in the area of the deadline and would like them to back off.
- Steve Landino commented on the Dec. 20th date—same timing track for the 4d rule. This has slipped to Jan. 8 for chinook, based on when the rule was published in the federal register.
- Tim reminded everyone that the bull trout rule is already in affect and brought up the issue of a third-party lawsuit.
- Gerry Jackson agreed that if a third-party lawsuit is initiated, we would need to show a federal court judge that we were making progress. There is always that element of risk. Need a target date; the Services are compelled to play through.
- Mike P. stated that they need an interim take permit; Gerry stated that it could not legally be done.
- Jim Jesernig stated that timelines drive us to some kind of results.
- Paul L. reminded everyone of the cost to individual farmers if a third-party lawsuit occurs. A farmer would probably win the lawsuit, but the cost would put him out of business.
- Carla Fullerton stated that she feels the agencies failed this time, did not step up to the bat and were quoted in newspapers stating the AFW process was not working because the Ag caucus is dragging their feet.
- Steve L. clarified NMFS' support of the AFW process. A negotiated process takes time. Technical staff are devoted to work through the document review process. The onus is on this group to provide a proposal/solutions; otherwise the Services will develop them for you. Other issues will also come up that will need to be addressed once we tackle drainage/ditch practices.
- Jim J. asked what interim support could be provided to farmers. Steve apologized for the fly-by that occurred at the first integrated technical team meeting and encouraged everyone to move forward. Carla asked that in the future if the agencies are not prepared, the meeting be cancelled.
- Paul L. stated that they still need targets-timeline, fish stocks to be covered, etc. February 20 was set as our target deadline and if we get the ditches/dikes piece done sooner, so much the better. Steve M. stated that we can not offer protection for farm practices between now and February. Steve L. encouraged us to focus on the process/substance, not a date. Sandy Noble asked if other issues will be teed-up as we work on drainage/ditch BMPs?
- Discussion of how much is encompassed in the decisions on what get addressed in BMPs. Need to keep in mind CWA and other species so we are not having to come back and tackle these same questions again if we are too narrow.
- Discussion trying to clarify what are the needs of the Ag caucus in addressing the technical needs. Who and how proposals are developed? Tim thinks what Ag is looking

for is some form of counter proposal. Example: what are the specifics of what you did or did not like about the technical proposal provided?

- Moving to the technical team report. Gerry supported the discussion of specific targets and/or needs to clarify issues either in writing or in the discussions of the negotiations. Tim T. stated that the Ag caucus needs feedback from the agencies: how to fix a weak proposal.

Technical report: (handout)

Frank Easter walked us through the document showing individual activities, a definition, related practice and the practice (FOTG) number.

Ag caucus has been asked to write up V ditch practices; they currently are not covered in the FOTGs. Mike P. explained that the Ag caucus is comfortable with locals helping to develop needed practices. They will be interested in how these affect other parts of the state.

Currently have no standards for fish screens. Need to coordinate with state's specs.

Policy issues: (Handout)

The group reviewed the four policy issues identified by the integrated technical team. Item-by-item feedback and direction from the EC included:

- 1(a)-changed to "tidal area in Northwest Washington";
- 1(b)-agreement with intended stated goal/objective (feds can not guarantee that some ditches will not have to be removed);
- 1(c)-changed to: "Fish will be protected in drainage systems where they currently exist, except where screens for ditches are deemed appropriate" (tech. team will need to use waterways classification system);
- 1(d)-eliminate;
- 1(e)- change to "Drainage ditches must meet state and federal water quality standards";
- 1(f)-no changes;
- 1(g)-eliminate "restored," add "enhanced" or "improved";
- 2-should be a goal: "The goal is to reduce sediment, subsequently reducing ditch maintenance";
- 3-don't need, eliminate;
- 4-premature, come back to it.

General Comments:

- NMFS can produce a map showing where fish are in the valley. Paul L. expressed concerns over how accurate the data would be. He offered a map produced by Skagit County.
- Carla wants a definition of "fish"-- all fish or endangered fish?". Curt suggested we focus on listed species and water quality. Dick W. agreed with Curt and the previously agreed-to AFW objective to meet CWA, that means protection for all aquatic species.
- The technical team should ground truth the waterways classification system (using existing maps).
- The EC agreed to keep the integrated technical team together; and directed them to continue working collaboratively on the document.

- All of the Ag caucus needs to be kept in the communication loop on the ditches work so that when they show up at EC meetings there are no surprises.

Assignments for technical team:

- 1) Look for data and mapping on fish presence;
- 2) Develop watercourse classification system, BMPs, and timing windows
- 3) Identify and use the fish presence/no fish presence triggers;
- 4) Ground truth classification system using existing maps
- 5) Develop a technical work schedule (compatible with the timeline discussed earlier in the meeting)

3. Status Reports/Other Business

Pesticides Programmatic Approach:

Jim J. gave an update and stated that the group working this issue is currently looking at monitoring and budget issues. He explained they are currently looking at what kicks in further review.

He stated that they had a very successful meeting with the federal and state agencies from the regional and Washington D.C level. He explained the next steps: they have conceptual agreement and will write up the proposal to clarify details. They will have a draft that will enable them to pull in different folks (enviros, tribes, etc.) by mid/late November. Hope to have sign-off by end of the year.

4. Looking Ahead-Upcoming EC Meetings

The group was undecided on whether or not to meet next month, perhaps schedule the next EC meeting in early November. However, Linda Johnson will get back to her SW WA constituents and contact Mike R. with potential agenda items if they feel an October meeting should happen.

Linda J., Linda C., and Sandy N. provided feedback on teeing up other Skagit County issues.

Need to develop a proposed technical work schedule. Tim proposed a weekly/bi-weekly check in/feedback loop.

Next tech. team meeting will be next Monday, October 2nd.

Meeting Handouts:

- Agenda
- Draft Summary from August 23-24, 2000 meeting
- Agricultural Water Course Maintenance Policy Guidelines, Review of Draft Document
- Skagit County 303(d) list
- Federal/State Technical Team Review, Agricultural Watercourse Maintenance Policy Guideline (Policy Questions)
- Revised FOTG EC Meeting Schedule Through December 2000
- Newspaper article, "Researchers Reach Out to "Stakeholders" in Studies
- Activity Definitions - Tidal Drainage Areas

Attendee List

Name	Representing
1. Ashley, Mike	SCARB
2. Bambrick, Dale	NMFS
3. Beecher, Cookson	Capitol Press
4. Cheney, Chris	Farm Bureau
5. Crerar, Linda	WSDA
6. Doenges, Rich	Skagit County
7. Donnelly, Bob	NMFS
8. Easter, Frank	NRCS
9. Fullerton, Karla Kay	WA Cattlemen's Assn.
10. Hamilton, Rod	FSA
11. Hart, Bob	Skagit Co.
12. Hazen, Jim	WA State Horticultural Assn.
13. Hemphill, Sara	NRC
14. Jackson, Gerry	USFWS
15. Jensen, Martha	USFWS
16. Jesernig, Jim	WSDA
17. Johnson, David	Senate Staff
18. Johnson, Linda	Farm Bureau
19. Kauzloric, Phil	Ecology
20. Kelly, Carolyn	Skagit Co. CD
21. LaCroix, Paul	Western WA Farm Crops Assoc.
22. Landino, Steve	NMFS
23. Lund, Hertha	Farm Bureau
24. McMinds, Guy	Quinault
25. Meyer, Steve	WSCC
26. Mochnick, Roger	EPA
27. Monsen, Jeff	Whatcom County
28. Muck, Jim	USFWS
29. Noble, Sandy	USFWS
30. Poulsen, Mike	Farm Bureau
31. Smitch, Curt	Governor's Office
32. Smith, Paula	WSCC
33. Stockle, Claudio	WSU
34. Thompson, Tim	Facilitator
35. Wasserman, Larry	SSC
36. Rundlett, Mike	WSCC
37. Isaak, Kurt	WACD
38. Parr, Marina	Skagit Valley Herald
39. Rodriguez, Paco	USFWS
40. Wallace, Dick	Ecology
41. Mankowski, John	WDF&W
42. Parsons, Jeff	National Audubon Society
43. Wisniewski, Veronica	Whatcom County CD/WACD
44. Zimmerman, Jim	WA State Grange